

031904  
13281 U.S. PTO  
10/804079

**REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)**

Submit an original and a duplicate for fee processing

THIS APPLICATION: DOCKET NUMBER	FILING DATE	PRIOR APPLICATION: EXAMINER	ART UNIT	TOTAL NO. OF PAGES
P67819US2	March 19, 2004	Herbert J. Lilling	1651	99

Address to: Mail Stop Patent Application  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22386 U.S. PTO  
10/804079  
031904

This is a request for filing a [ ] continuation or [X] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 10/125,458 filed on April 19, 2002, entitled **A PROCESS FOR PREPARING CEPHALOSPORANIC ACID DERIVATIVES USING ALPHA-KETOACID DERIVATIVES** by the following inventor(s).

	Family Name	First Given Name	Second Given Name
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[ ] additional sheet(s) with inventors information attached

1. [ X ] A Preliminary Amendment is enclosed.
2. [ X ] Cancel claim(s) 1 - 62 for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

### CLAIMS

Basic Fee		\$385		\$770	
Total Claims	11 - 20 =	x 09 =	\$	x 18 =	\$
Ind. Claims	2 - 03 =	x 43 =	\$	x 86 =	\$
[ ] Multiple Dependent Claims		+145 =	\$	+290 =	\$
		Total	\$385	Total	\$

3. [X] The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.
4. [ ] This application is filed under Rule 53(f) and therefore the [ ] Filing Fee [ ] Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 35 C.F.R. 1.16 fees previously made is revoked.
5. [X] A credit card payment in the amount of \$385.00 is enclosed.

6. ☒ Amend the specification by amending the first paragraph as follows:
- This is a Divisional of application Serial No. 10/125,458 filed April 19, 2002.
- ☐ which in turn is
7. ☒ A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:
- a) ☒ was claimed by way of a declaration filed in prior application Serial No. 10/125,458.
- b) ☐ is claimed by way of the attached declaration.
8. ☒ Priority of application Serial No. EP01201426.2, filed on April 19, 2001 in European Patent Office; Serial No. EP01201699.4, filed on May 9, 2001 in European Patent Office; Serial No. EP01201718.2, filed on May 9, 2001 in European Patent Office; Serial No. IE2001/1024, filed on November 30, 2001 in Ireland; and Serial No. IE2001/1025, filed on November 30, 2001 in Ireland claimed under 35 U.S.C. 119.
- a) ☒ Certified copy is on file in prior application, Serial No. 10/125,458.
- b) ☐ Certified copy filed herewith.
9. ☒ The prior application is assigned of record to Bioferma Murcia S.A..
10. ☒ The Power of Attorney in the prior application is to at least one of the following:
- John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.
- a) ☒ The power appears in the original papers of the prior application.
- b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
11. ☒ Petition to extend the life of the above prior application to at least the date hereof
- (One box) ☐ is being concurrently filed in  
NOTE: (must be) that prior application.  
(X'd) ☐ was previously filed in that application.  
☒ is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. ☐ Formal drawings are enclosed.
13. ☒ Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 10/125,458, filed April 19, 2002.
- a) ☐ More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.
14. ☐ Enclosed is a copy of the PTO 892 which issued in Serial No. \_\_\_\_\_, filed \_\_\_\_\_ which is relied on for an earlier filing date under 35 U.S.C. 120.
- a) ☐ More than one PTO 892 issued in the above Serial No. \_\_\_\_\_ and copies of each PTO 892, less the documents, are enclosed.
15. ☐ Also enclosed is:

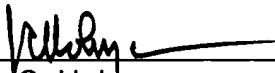
Address all future correspondence to:

Customer No. 00136  
or  
JACOBSON HOLMAN PLLC  
The Jenifer Building  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 10/125,458, filed on April 19, 2002. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By

  
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Signed this 19<sup>th</sup> day of  
March, 2004

☒ Attorney or Agent of record

☐ Filed under 37 CFR 1.34(a)